

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JESSE GARCIA,

Plaintiff,

Civil No. 08-4731 (ADM/JJG)

v.

**ORDER ON REPORT AND
RECOMMENDATION**

WARDEN MARTY C. ANDERSON,
DR. T. TRAN, DR. S. STANTON, JANE DOE,
and JOHN DOE,

Defendants.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss and for Summary Judgment (Doc. No. 12) is **GRANTED**;
2. Garcia's claims against Defendants Warden Marty C. Anderson, Dr. T. Tran, and Dr. S. Stanton are **DISMISSED WITH PREJUDICE**;
3. Garcia's claims against Defendants Jane Doe and John Doe are **DISMISSED WITHOUT PREJUDICE**; and
4. Garcia's Motion in Opposition to Summary Judgment (Doc. No. 33) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 2, 2009

s/Ann D. Montgomery

ANN D. MONTGOMERY
United States District Judge